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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,591

11/12/2003

Scott A. Horstemeyer

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7590

03/22/2006

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EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/706,591

Applicant(s)

HORSTEMEYER, SCOTT A.

Examiner

Tai T. Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 8, 10-16 and 21-28 is/are rejected.
- 7) ☒ Claim(s) 9, 12 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of group I including claims 1-28 in the reply filed on January 09, 2006 is acknowledged.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 21, 24 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Sebanc et al. (US 6,943,679).

Regarding claims 21 and 24, Sebanc et al. discloses a method for communication in connection with a computer-based notification system (10) comprising:

initiating a first notification communication to a personal communication device (40) associated with a party (figures 3-4);

receiving a response communication from the party's personal communication device (col. 5, lines 51-62);

modifying a manner in which future notification communications being implemented, wherein the step of modifying being a refraining from sending notification

communication to the party's personal communication device after receiving the response communication (col. 7, lines 4-10).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 10-11, 14-16, 22-23, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebanc et al. (US 6,943,679) in view of Chaum et al. (US 5,424,727).

Regarding claims 8, 10-11, 14, and 16, Sebanc et al. discloses a method for communication in connection with a computer-based notification system (10) comprising:

initiating a first notification communication to a personal communication device (40) associated with a party (figures 3-4);

receiving a response communication from the party's personal communication device (col. 5, lines 51-62);

refraining from sending notification communication to the party's personal communication device after receiving the response communication (col. 7, lines 4-10).

Sebanc et al. discloses the instant claimed invention except for initiating a second notification communication to the party's personal communication device after

detection of occurrence of one or more events. Chaum et al. teach a communication link between toll collection and vehicle including a step of initiating a second notification communication to an in-vehicle unit (IVU 34) after detection of occurrence of event of expiration of a predefined time period (col. 24, line 66 through col. 25, line 2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the teaching as taught by Chaum et al. in the system as disclosed by Sebanc et al. for the purpose of ensuring that the communication to be complete in order to avoid communication errors.

Regarding claims 11 and 15, Sebanc et al. discloses the instant claimed invention except for the events being arrival of a mobile thing with respect to a location. Chaum et al. teach that the IVU locating in a mobile thing (figure 1) only communicating when the vehicle is arriving to the toll collection plaza (figure 1).

Regarding claims 22-23, Sebanc et al. discloses the instant claimed invention except for detection of occurrence of one or more events that being expiration of a predefined time period. Chaum et al. teach a communication link between toll collection and vehicle including a step of initiating a second notification communication to an in-vehicle unit (IVU 34) after detection of occurrence of event of expiration of a predefined time period (col. 24, line 66 through col. 25, line 2). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the teaching as taught by Chaum et al. in the system as disclosed by Sebanc et al. for the purpose of ensuring that the communication to be complete in order to avoid communication errors.

Regarding claims 25 and 28, refer to claims 11 and 15 above.

6. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaum et al., as modified, as applied to claim 8 above, and further in view of Puchek et al. (US 2003/0091158).

Regarding claim 13, Chaum et al., as modified, discloses the instant claimed invention except for actuation of a manually actuated switch that associated with a mobile thing. Puchek et al. teach a computer system (12) communicating with a mobile thing (14) associated with supervised person to notify the supervised person to response to a notification signal transmitted from the computer system by pressing appropriate keys (see abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the manually actuated switch as taught by Puchek et al. in the system as disclosed by Chaum et al., as modified, for the purpose of providing make sure that the supervised person has received the notification communication to actuate a particular switch in order to provide an acknowledgement signal back to the computer system.

Regarding claim 28, refer to claim 13 above.

***Allowable Subject Matter***

7. Claims 1-7 and 18-20 are allowed.

8. Claims 9, 12, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meyer (US 6,882,334) and Shieh (US 5,424,727).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tai T. Nguyen', with a long horizontal flourish extending to the right.

March 17, 2006

Tai T. Nguyen  
Examiner  
Art Unit 2632